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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,603	09/27/2001	Andreas Potz	A34645 071308.0239	4602
7590	02/24/2004			EXAMINER
Andreas Grubert Baker Botts L.L.P. One Shell Plaza 910 Louisiana Street Houston, TX 77002-4995				JARRETT, RYAN A
			ART UNIT	PAPER NUMBER
			2125	
			DATE MAILED: 02/24/2004	//

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/965,603	POTZ ET AL.	
	Examiner	Art Unit	
	Ryan A. Jarrett	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 January 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/26/04 have been fully considered but they are not persuasive. To summarize, Applicant is claiming a method for generating HMI surfaces, the generation of said HMI surfaces being wholly or partially integrated into the engineering of associated automation controllers/drives. The passages of Schwenke et al. cited by the Examiner clearly disclose this and other features of the claimed invention.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Original claim 2 and original claim 10 recited, "the operating component **is** a human machine interface surface". Thus, according to the original claims, the two items are one and the same. However, Applicant has now amended independent claims 1 and 9 to recite, "automatically generating and storing data related to a human machine interface **of** the operating component" and "assembling the operating component **and** generating a human machine interface". This implies that the operating component and the human machine interface are two different and distinct items, which directly

contradicts the original claims. Claims 2-8 and 10-16 depend from claims 1 and 9 and thus incorporate the same deficiencies.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. As best understood, claims 1-16 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Schwenke et al. U.S. Patent No. 6,556,950. Schwenke et al. discloses a method for generating operating components for operating devices of automation components, comprising the steps of: engineering an automation component by means of a plurality of engineering steps in an engineering system, automatically generating and storing data related to a human machine interface of the operating component during the one or more engineering steps, retrieving the stored data during assembly of the operating component; and assembling the operating component and generating a human machine interface with the aid of the retrieved data; wherein the relevance of specific data of the generated data is indicated; wherein the generation of the data comprises deriving servicing and/or diagnostic images from the engineering steps; further comprising the step of post-processing of the generated data and/or providing of supplemental data by means of external tools and/or

importation of additional information, in particular images; further comprising the step of updating of pre-generated data for an existing operating component in the event of a change in one or more of the engineering steps; wherein the assembly of the operating component is performed automatically on the basis of a determination of relevant variables by an operator in the engineering steps; wherein the data for the operating component are generated and stored in a format readable to standard Internet clients, in particular XML or HTML; wherein the data for the operating component are stored on an automation component, outside the automation component, on an operating device or on a data server (e.g. col. 5 line 56 – col. 14 line 62; col. 27 line 20 – col. 28 line 29; col. 33 lines 23-41; col. 35 line 60 – col. 38 line 55; col. 44 lines 6-15; col. 48 line 53 – col. 51 line 52; col. 89 line 61 – col. 90 line 12; Figs. 85-100).

A device for parameterizing, commissioning and programming controllers, comprising an engineering device for the purpose of providing for an operator the engineering steps relating to parameterization, commissioning and/or programming, wherein the engineering device can be used to set operating components for operating devices of automation components by generating and storing data related to a human machine interface of an operating component during the one or more engineering steps; wherein the engineering device determines and indicates the relevance of specific data of the generated data; wherein the engineering device can be used to derive for the operating component from the engineering steps information or servicing and/or diagnostic images on which the engineering steps are based; wherein the generated data can be post-processed by means of external tools and/or importation of additional

information, in particular images; wherein the engineering device has a consistency device with the aid of which it is possible to produce automatically from an existing operating component a consistent operating component based on changes in one or more engineering steps, in particular in the case of their updating; wherein relevant variables for the operating component can be assembled in the engineering device by an operator in the engineering steps; wherein data for the operating component can be generated and stored in a format readable to standard Internet clients, in particular XML or HTML; further comprising a data server for storing data of the operating component, wherein the data can be accessed by one or more operating devices (e.g. col. 5 line 56 – col. 14 line 62; col. 27 line 20 – col. 28 line 29; col. 33 lines 23-41; col. 35 line 60 – col. 38 line 55; col. 44 lines 6-15; col. 48 line 53 – col. 51 line 52; col. 89 line 61 – col. 90 line 12; Figs. 85-100).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (703) 308-4739. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ryan A. Jarrett
Examiner
Art Unit 2125

2/20/04

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100